



February 20, 2009

HOUSE BILL No. 1323

DIGEST OF HB 1323 (Updated February 18, 2009 12:29 pm - DI 96)

Citations Affected: IC 9-21; IC 9-24.

Synopsis: Various motor vehicle matters. Requires the driver of a school bus to stop the school bus before crossing certain railroad tracks. (Current law requires the driver to stop only when carrying a passenger.) Authorizes an individual less than 18 years of age to operate a motor vehicle in which there are passengers if the licensed operator is accompanied by a parent, guardian, or stepparent of the operator who is: (1) not a licensed driver; (2) at least 21 years of age; and (3) present in the front seat of the motor vehicle.

Effective: July 1, 2009.

Duncan, Austin

January 13, 2009, read first time and referred to Committee on Roads and Transportation.
February 19, 2009, amended, reported — Do Pass.

C
o
p
y

HB 1323—LS 6206/DI 96+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1323

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-12-17, AS AMENDED BY P.L.107-2006,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 17. (a) Except as provided in subsection (b),
4 before crossing any railroad track at grade, the driver of a school bus
5 or special purpose bus ~~carrying a passenger~~ shall stop the bus within
6 fifty (50) feet but not less than fifteen (15) feet from the nearest rail.
7 While the bus is stopped, the driver shall:

8 (1) listen through an open door;

9 (2) look in both directions along the track for an approaching
10 train; and

11 (3) look for signals indicating the approach of a train.

12 The driver may not proceed until it is safe to proceed. When it is safe
13 to proceed, the driver shall select a gear that will allow the driver to
14 cross the tracks without changing gears. The driver may not shift gears
15 while crossing the tracks.

16 (b) The driver is not required to stop when a police officer is
17 directing the flow of traffic across railroad tracks.

HB 1323—LS 6206/DI 96+



C
o
p
y

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 2. IC 9-24-11-3, AS AMENDED BY P.L.184-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age and

~~(B)~~ holds a valid operator's license issued under this article; or

(B) is the individual's parent, guardian, or stepparent who is at least twenty-one (21) years of age;

is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) Except as provided in subsection (e), a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the

C
o
p
y



- 1 following:
- 2 (A) At midnight of the date the authorization to remain in the
- 3 United States expires.
- 4 (B) At midnight of the twenty-first birthday of the holder.

C

O

P

Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 5 through 42.

Page 3, delete lines 1 through 4.

Page 3, delete lines 27 through 32.

Page 4, delete lines 11 through 42.

Delete page 5.

Page 6, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1323 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 8, nays 2.

C
o
p
y

